

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	Criminal No. 4:09-mj-091
Plaintiff,)	
)	<u>MOTION TO DISMISS COMPLAINT</u>
-vs-)	
)	
CHARLES EDWARD JARDEE)	
)	
Defendant.)	

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the Assistant United States Attorney for the District of North Dakota hereby moves to dismiss the Criminal Complaint against Charles Edward Jardee, defendant, and requests leave of Court to file the same. The Court has granted the Defendant a new trial following his appeal. The victim failed to appear for the original trial, and the United States does not intend on seeking a material witness warrant for her appearance under the circumstances of the case. Further, the Defendant is serving a sentence in the State of Montana on another matter.

Dated this 21st day of July, 2010.

LYNN C. JORDHEIM
Acting United States Attorney

By: */s/ Rick L. Volk*
RICK L. VOLK
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Attorney for United States

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,)	
)	Criminal No. 4:09-mj-091
Plaintiff,)	
)	<u>CERTIFICATE OF SERVICE</u>
-vs-)	
)	
CHARLES EDWARD JARDEE,)	
)	
Defendant.)	

I hereby certify that on July 21, 2010, the following documents:

Motion to Dismiss Complaint

Certificate of Service

were filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

William D. Schmidt: teri_ell@fd.org

I further certify that a copy of the foregoing documents and the Notice of Electronic Filing will be mailed by first class mail, postage paid, to the following non-ECF participants:

Dated: July 21, 2010

/s/ Rick L. Volk
Rick L. Volk
Assistant United States Attorney